

### **REMARKS**

The Office Action of June 7, 2002 has been carefully studied. No claims have yet to be allowed. The only claims at issue are claims 1-23, with newly added claim 22 being directed to the preferred clause stricken from claim 5, and claim 23 requiring that all the panels comprise a single distribution and/or extraction chamber Ci.

The following paragraphs correspond to the order of the paragraphs of the Office Action:

#### ***Rejections Under 35 U.S.C. § 112 Second Paragraph***

By inspection, it is seen that each of the rejections set forth in the Office Action are the subject of an amendment, without any narrowing of the scope of the involved claims. It is Applicants intent that the claims do not require various fluids to be considered as being incorporated in the apparatus. In particular, the word "for" in such a phrase as for example "for delivery of a main fluid" is not intended to be construed as requiring that the main fluid be in the line in order for infringement to occur. In other words, the apparatus claims are to be construed strictly on the basis of the mechanical elements of the apparatus.

Applicants also wish to point out that the word "several" is changed to "a plurality", in deference to the Examiner's objection, but Applicants do not understand why "several" is deemed to be indefinite.

Since the changes to the claims are self explanatory, Applicants will not burden the record with a listing of all the changes.

#### ***Rejection Under 35 U.S.C. § 102(e)***

In order to point out Applicants' invention more clearly, it is seen that claim 1 is amended by transposing the clause "a single distribution, mixing and/or extraction chamber (Ci)" to the first subparagraph.

It is believed clear that Applicants' invention is directed to a simulated moving bed column comprising only one secondary fluid distribution network with plates having at least one, if not all panels of the plate having a single distribution, extraction, and/or mixing chamber (page 4, last two lines and page 5, lines 1-2). It is also noted that new claim 23 requires that all of the panels

have a single distribution, extraction and/or mixing chamber.

The present invention is directed to improving the impurity of an extract which is obtained by using such a column and this is accomplished by providing at least one bypass line (Li,j) for communicating at least one chamber (Ci) with a zone of an adsorbent bed, noting the last two paragraphs of claim 1.

In comparison, the commonly owned cited references Hotier et al. (5,972,244) and Ferschneider et al. (6,146,537) neither describe nor suggest a device with a single chamber per panel of the plate and a bypass line able to communicate a chamber of a panel with a zone of a bed. Thus, the present invention is both novel and unobvious.

In comparison, as indicated at page 4, lines 12-19, with only one distribution network per plate and with the bypass line from a plate P to a plate P + 1, then from a plate P + 2 to a plate P + 3, the internal flow rates vary from a bed to another, which is detrimental.

It is appreciated that the ground of rejection is based only on anticipation and not under 35 U.S.C. 103 since the cited references are commonly owned. However, Applicants are concerned whether the Examiner has taken into consideration that the corresponding published French applications of the cited references were published on or about June 22, 1999 for French 97/16273 corresponding to U.S. 5,972,244 and November 22, 1999 for French 98/05355 corresponding to U.S. 6,146,537. The Examiner may have considered these dates and the fact that Applicants' priority date of June 9, 1999 antedates the publication dates of these French applications. In any case, as set forth above, it is respectfully submitted that the present invention is clearly unobvious as compared to the published French applications. Nevertheless, if the Examiner desires same, Applicants will provide an English translation of the French priority document 99/07.309 filed June 9, 1999 which will provide the present application with that effective filing date.

Finally, if there are any remaining issues which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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